

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR 2001-002726

02/28/2003

HONORABLE JAY L. DAVIS  
FOR HON. CAREY SNYDER HYATT

CLERK OF THE COURT  
K. Wendroff  
Deputy

FILED: 03/04/2003

STATE OF ARIZONA

DAVID V RODRIGUEZ

v.

KELLY L KANN  
DOB: 09/15/1970

RODNEY I MITCHELL

APO-SENTENCE IMPRISON-CCC  
APPEALS-CCC  
CERTIFICATION DESK-WAIVER-CSC  
DISPOSITION CLERK-CSC  
RFR

DISPOSITION HEARING - PROBATION REVOKED - IMPRISONMENT - WITH  
REVOCATION ARRAIGNMENT/VIOLATION HEARING

|                       |                 |
|-----------------------|-----------------|
| State's Attorney:     | Mike Minnaugh   |
| Defendant's Attorney: | Rodney Mitchell |
| Defendant:            | Present         |

A record of the proceedings is made by CD/videotape in lieu of a court reporter.

The Defendant admits violation of probation for condition 18e.

The admission is accepted and entered of record.

The Defendant is advised of the right to disposition hearing within the statutory time limits and the right to a written probation violation report. Defendant and counsel waive these matters.

Disposition proceeds at this time.

The Court finds that Defendant violated the conditions of probation imposed on 06/04/2001 on the following charge (s):

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OFFENSE: COUNT 1: AGGRAVATED DRIVING UNDER THE INFLUENCE OF  
INTOXICATING LIQUOR

Class 6 felony

A.R.S. § 28-1381(A)(1), 1383(A)(3), 3001, 3304, 3305, 3315, 1383(J), 1304, 1444, 1461,  
701, 702, 702.01, 707, 801, 802

Date of Offense: 08/19/1999

Non Dangerous - Non Repetitive

OFFENSE: COUNT 3: POSSESSION OF DRUG PARAPHERNALIA

Class 6 felony

A.R.S. § 13-3415, 3401, 3416, 3418, 701, 702, 702.01, 707, 801, 802, 901.01

Date of Offense: 08/19/1999

Non Dangerous - Non Repetitive

IT IS ORDERED the grant of probation be revoked.

The following count(s) are now designated a felony: 3

IT IS ORDERED that Defendant be committed to the Arizona Department of Corrections  
for a term of imprisonment as follows:

Count 1: 6 month(s) from 02/28/2003

Presentence Incarceration Credit: 12 days

Mitigated

IT IS ORDERED affirming previous monetary orders relating to Fine, fee, with credit for  
monies paid to date.

All amounts payable through the Clerk of the Superior Court.

As to Count 3,

IT IS ORDERED reinstating the Defendant on probation under the rewritten conditions  
and regulations as explained by the Court under the supervision of the Adult Probation  
Department of this Court to date from absolute release from DOC in Count 1.

Financial sanctions previously ordered are affirmed. All payments to resume 30 days  
after release from DOC and on the same day each month thereafter until paid in full.

IT IS FURTHER ORDERED Defendant be given credit for any monies paid to date.

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The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Imposed pursuant to A.R.S. § 13-603(I).

IT IS ORDERED granting the Motion to Dismiss the allegations of violation of the remaining term(s) as set forth in the Petition to Revoke.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

A written probation violation report has not been prepared.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HONORABLE JAY L. DAVIS  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)